

Attorney Docket No. 01149/HG

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Yuki ABE et al

Serial No. :

Filed : Concomitantly Herewith

For : GENES FROM A GENE CLUSTER

Art Unit :

Examiner :

**PRELIMINARY AMENDMENT FILED  
CONCOMITANT WITH APPLICATION**

Assistant Commissioner for Patents

S I R :

Please amend the application as follows.

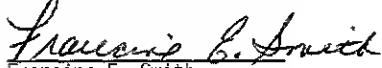
**IN THE CLAIMS:**

Please enter the following amended claims 23, 26, 29, 35, 40, 43, 44, 45, 50 and 52.

23. (Amended) A polynucleotide capable of hybridizing under stringent conditions with a polynucleotide according to claim 1.

26. (Amended) A vector comprising a polynucleotide according to claim 1.

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Francine E. Smith

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

29. (Amended) A host cell transformed by a vector according to claim 26 or 27.

35. (Amended) A polypeptide encoded by a polynucleotide according to claim 1.

40. (Amended) A method for producing ML-236B, comprising culturing a host cell according to claim 29 and then recovering ML-236B from the culture.

43. (Amended) A method according to claim 40, wherein production occurs in the absence of recombinant *mlcA*, B, C or D corresponding to SEQ ID NO 44, 46, 48 or 50.

44. (Amended) ML-236B produced by the method of claim 40.

45. (Amended) A method of manufacturing pravastatin, which comprises carrying out a method according to claim 40 and converting the ML-236B to pravastatin.

50. (Amended) A vector comprising a polynucleotide according to claim 47 or 48.

52. (Amended) A polypeptide encoded by a polynucleotide according to claim 47 or 48.

REMARKS

The present amendment revises original claims which were improper multiple dependent claims into a non-multiple dependent claim or a proper multiple dependent claim. Entry is solicited.

Enclosed is a copy of the original claim pages containing claims 23-53 with the changes to the amended claims marked thereon.

Respectfully submitted,



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having similar function.

23. A polynucleotide capable of hybridizing under stringent conditions with a polynucleotide according to any preceding claim 1
24. A polynucleotide according to claim 23 that is suitable for accelerating the biosynthesis of ML-236B in an ML-236B producing micro-organism when introduced in the ML-236B producing micro-organism.
25. A polynucleotide according to claim 23 or 24 which is RNA.
26. A vector comprising a polynucleotide according to any preceding claim 1
27. A vector according to claim 26 obtainable from *Escherichia coli* pSAKexpE SANK 72499 (FERM BP-7005) or *Escherichia coli* pSAKexpR SANK 72599 (FERM BP-7006).
28. A vector according to claim 26 or 27 which is an expression vector.
29. A host cell transformed by a vector according to any of claims 26 to 28 <sup>claim</sup> or 27
30. A host cell according to claim 29 characterized in that it is an ML-236B producing micro-organism.
31. A host cell according to claim 30 characterized in that it is *Penicillium citrinum*.
32. A host cell according to claim 29 characterized in that it is *Escherichia coli*.
33. A host cell according to claim 32 characterized in that it is *Escherichia coli* pSAKexpE SANK 72499 (FERM BP-7005).
34. A host cell according to claim 32 characterized in that it is *Escherichia coli* pSAKexpR SANK 72599 (FERM BP-7006).

35. A polypeptide encoded by a polynucleotide according to any of claims 1 to  
25] claim 1

36. A polypeptide comprising the sequence of SEQ ID NO 38, or a variant thereof which has at least 80% identity to SEQ ID NO 38 and which is capable of accelerating ML236B production in an ML236B producing organism.

37. A polypeptide according to claim 36, having the sequence of SEQ ID NO 38.

38. A polypeptide comprising the sequence of SEQ ID NO 42, or a variant thereof which has at least 80% identity with SEQ ID NO 42 and which is capable of accelerating ML236B production in an ML236B producing organism.

39. A polypeptide according to claim 38, having the sequence of SEQ ID NO 42.

40. A method for producing ML-236B, comprising culturing a host cell according to any of claims 29 to 31] claim 29 and then recovering ML-236B from the culture.

41. A method according to claim 40, wherein the host cell is transformed with a vector comprising SEQ ID NO 37 or SEQ ID NO 41.

42. A method according to claim 41, wherein the vector comprises no additional genes.

43. A method according to any of claims 40 to 42] claim 40, wherein production occurs in the absence of recombinant *mlcA*, B, C or D corresponding to SEQ ID NO 44, 46, 48 or 50.

44. ML-236B produced by the method of any of claims 40 to 43] claim 40.

45. A method of manufacturing pravastatin, which comprises carrying out a method according to any of claims 40 to 43] claim 40 and converting the ML-236B to pravastatin.

46. An antibody reactive with the protein of SEQ ID NO 38 or SEQ ID NO 42.

47. A polynucleotide encoding a protein having the amino acid sequence selected from SEQ ID NO 44, 46, 48 or 50 or a variant polynucleotide encoding a modification of said amino acid sequence having a deletion, substitution, addition or alteration, said variant being suitable for use in accelerating the biosynthesis of ML-236B.

48. A polynucleotide according to claim 47 selected from the group consisting of SEQ ID NO 43, 45, 47 or 49.

49. A polynucleotide according to claim 47 or 48, said polynucleotide being capable of accelerating the biosynthesis of ML-236B alone or in conjunction with the polynucleotide of SEQ ID NO 37 or SEQ ID NO 41.

50. A vector comprising a polynucleotide according to any of claims 47 to 49.

51. A host cell comprising a vector according to claim 50.

52. A polypeptide encoded by a polynucleotide according to any of claims 47 to 49.

53. A method for the production of ML236B comprising culturing a host cell according to claim 51 and then recovering ML-236B from the culture.